

INDIANA LEGISLATURE.

[Omissions and curtailments of this report for want of space in these columns will appear in an appendix to Volume XXII of the *Legislative Reports*.]

IN SENATE.

SATURDAY, Feb. 14, 1885—10 a. m.
The session was opened with prayer by Rev. Thomas H. Lynch, whom the Lieutenant Governor introduced as a minister of more than fifty years service.

LIVE STOCK COMPANIES.

Mr. BAILEY: A special committee to which was referred the Live Stock Companies Incorporation bill [H. R. 70, see page 192] with instruction, reported the same back with amendments. He said: This is the Live Stock bill which the Senate referred to a select committee to embrace therein the following section: "That each stockholder and member of such corporation shall be individually liable to creditors of the corporation to the amount of unpaid stock subscribed by him, and for an additional amount equal to the stock subscribed by him." This committee report embraces that with the following two sections, in substance, "that an annual report shall be made by the corporation setting out its liabilities and the absolute condition of business, and that report shall be signed by the Secretary and a majority of the directors and sworn to by them;" and the following section states "if such report be not as made and published, or be false in any material statement, and any person is misled or deceived by that report, the individual members shall be held liable for the amount of damage incurred by that report, and any company neglecting or failing to make and publish an annual report shall lose and forfeit any right of immunity or protection."

By this act, except that neglect or failure shall not relieve any member from the liabilities of this act." It may be said that this proposes to make a distinction against these companies as compared with companies organized under the mining law. The law simply makes stockholders liable for the full face of the stock subscribed by them, and in addition renders them individually liable for all debts to employees of the corporation. As to telephone and telegraph and street railway companies, they are made liable exactly as provided in these proposed amendments. I am not especially in favor of this bill, anyhow, but it is to pass I hope these amendments will be concurred in.

Mr. OVERSTREET: My recollection is that on yesterday the House bill [70] was just like the Senate bill [28] with the exception of the first amendment suggested by this report, and the bill [H. R. 70] which was submitted for the Senate bill was referred to a committee of one with instructions to add that amendment. I think that committee of one has transcribed its powers when it goes beyond the instruction of the Senate, and adds two other sections to the bill.

Mr. BAILEY: Will the Senator permit one word? I certainly did not understand the committee to be restricted to that amendment. I was talking to the Senator who introduced it [Mr. Hoover introduced the bill S. 28] and he suggested these two additional sections; I therefore reported them as being very proper. I think it important that such companies should make an annual report of the condition of the corporation and make the directors swear to the report.

Mr. OVERSTREET: I insist that these two other proposed amendments have not been referred to such a committee as the Senate rules prescribe. Why refer an important bill to a committee of one, restricting it to do a certain thing; and then allow that committee to add other sections which change the whole feature of the bill in several respects? I think the committee has gone beyond what it was instructed to do, and therefore I move to amend by striking out these two last sections—sections 8 and 9.

Mr. BAILEY: If that was going beyond the instructions of the Senate, I will withdraw these two sections and offer them as an amendment to the bill.

Mr. MAGEE: Yesterday when this bill came up for passage a motion was carried to recommit to a committee of one to make certain amendments. That, I believe, was the extent of the authority of the committee; not to add any new sections to the bill, but simply to make a short amendment. The Senator who introduced the bill, as well as Senators who were appointed on the committee which considered this bill, are absent this morning, and I ask that its further consideration may go over till Senator Hoover returns. This bill affects farmers more than any other class, and I move that it be postponed till Monday at 2:30 o'clock.

The motion was agreed to.

On motion Mr. BAILEY, his Oligarchic bill [S. 136] was made the special order for Tuesday at 2 o'clock p. m.

Mr. WILLARD gave notice that he would move on Monday, or some subsequent day, for amendment of rule 54, so as to make the regular order of business imperative unless suspended by a two-thirds vote.

Mr. MAGEE moved that the Senate hold an afternoon session for the further transaction of routine work, the presentation of petitions, resolutions, and the introduction of bills only.

Mr. SMITH, of Jay, said the clerks were complaining that the Senate had already cut out work enough to keep them up till midnight.

Mr. MAGEE replied that it was far more important that Senators should work than that clerks should rest. There were several bills in sight which would require debate and consideration. At such times the clerks had a soft snap, at others they had to toil over rapid transactions of detail.

The motion was agreed to.

Then came a recess for dinner.

AFTERNOON SESSION.

JUDICIAL CIRCUITS.

Mr. FOWLER offered the following:

Whereas, There is great inequality in the labor required of the Circuit Judges in this State, and Whereas, Many bills are now pending before this General Assembly for the creation of new circuits,

And Whereas, It is expedient to create new and additional circuits and entail additional expense upon the State, if the labor of the present Judges can be equalized as to enable the present Circuit Court Judges to transact the business of the Circuit Courts without delay, and with reasonable dispatch, therefore be it

Resolved, That a committee of nine Senators, holding over, be appointed by the Chair to serve without compensation, to take into consideration the inequality of the Circuit Court districts, and to redistrict the State for judicial purposes, and as far as can be to equalize the labor in the several judicial circuits of this State, and this committee make report to the next General Assembly by bill or otherwise.

It was made the special order for Monday at 11:30 a. m.

NEW PROPOSITIONS.

Bills for acts were introduced, read the first time and severally referred to appropriate committees by Messrs. Bryant, Campbell, Hendricks, Davis, Drake, (2), Kelsey, (2), Fowler and Benz.

By Mr. ADKISON (S. —) for the separation of the Soldiers' Orphans' Home from the

Asylum for Feeble-minded Children, and appropriating \$50,000 for the building of a Soldiers' Orphans' Home at Knightstown, the building now used by the soldiers' orphans to be occupied by the feeble-minded children.

By Mr. ADKISON (S. —) to require foreign insurance companies to pay 10 per cent. of their earnings into the State Treasury.

By Mr. BAILEY (S. —) to prohibit foreign contract labor.

By Mr. CAMPBELL, of Hendricks, (S. —) to provide that the Attorney General shall receive no fees for collecting State moneys. (This bill is in anticipation of the State receiving \$1,000,000 indemnification money for losses during the civil war.)

By Mr. DAY (S. —) to limit the pay of the employees of the Legislature to \$3 per day and of pages to \$2 per day.

The Senate adjourned, under the rule, till Monday morning at 10 o'clock.

HOUSE OF REPRESENTATIVES.

SATURDAY, Feb. 14, 1885—10 a. m.

The session was opened with prayer by Elder James H. McBroom, a Representative from the counties of Warren and Benton.

The reading of the Clerk's journal of yesterday's proceedings was dispensed with.

COMPULSORY EDUCATION.

MR. FLEECE offered the following:

Resolved, That the Committee on Education be instructed to report a bill requiring all parents and guardians to send their children and wards to school at least four months in each year.

It was referred to the Committee on Education.

CAPITAL PUNISHMENT.

The Judiciary Committee made a report, which was concurred in, opposed to any bill to repeal the capital punishment law.

KANKAKEE AND LITTLE WABASH.

Mr. BARR offered the following:

Whereas, The benefits of an open channel for the Kankakee and Little Wabash are of so much importance to the citizens of the State of Indiana, for purposes commercial and manufacturing and sanitary; and

Whereas, The main obstructions in those channels are caused by a stone ledge in the channel of the Kankakee at a point near Momence, across the State line in the State of Illinois, and the stone ledge in the channel of the Little Wabash, at a point east of the city of Huntington; and

Whereas, These obstructions are of such a character as to entirely prevent navigation in these waters, therefore be it

Resolved, That our Senators in Congress and our Representatives be requested to use their influence to secure from Congress the removal of the obstructions in the channel of the Kankakee River at Momence, and also an item of \$25,000 for the removal of the stone obstructions in the channel of the Little Wabash, east of the city of Huntington; and that these items be made a part of the river and harbor bill now pending.

On motion of Mr. SMITH, of Tippecanoe, it was referred to a special Committee of three, made to consist of Messrs. Smith, Barr and Reeves.

FRANCE AND GERMANY.

Mr. SMITH, of Tippecanoe, offered the following:

Whereas, The Governments of France and Germany have passed and are hereby instructed to restrict upon American agricultural products, particularly hog products;

And Whereas, These restrictions are very detrimental to the business interests of the inhabitants of Indiana;

And Whereas, Large quantities of wines, brandies and other liquors are imported into the United States from these countries, which are known to be adulterated and impure;

And Whereas, All rights are ought to be redressed, therefore be it

Resolved by the House of Representatives, the Senate and the President, that our Representatives in Congress be requested and our Senators instructed to use all their influence to pass through Congress a measure to prohibit the importation into the United States of all wines, brandies and other liquors from France and Germany.

It was, on his motion, referred to the Committee on Federal Relations.

INDIGENT UNION SOLDIERS.

Mr. SAYRE offered the following:

Resolved by the House, That the Committee on Military Affairs be and are hereby instructed to inquire into the practicability and advisability of providing by law for the maintenance of needy and indigent Union soldiers, who have honorable discharges from the army, and in case of death, for an honorable burial, to the end that such persons shall be relieved from the ordinary conditions of pauperism; and that they report as soon as may be by bill or otherwise.

It was adopted.

NEW PROPOSITIONS.

The following described bills were introduced, read the first time, and severally referred to appropriate committees:

By Mr. BARR (H. R. 419) to amend Section 429 of the Code of 1881, concerning highways and streets.

By Mr. RIVERS (H. R. 450) to abolish the Criminal Court of Marion County, Indiana.

By Mr. COPELAND (H. R. 451) to regulate railroad passenger fares (fixing rate at three cents per mile).

By Mr. REITER (H. R. 452) to require foreign life insurance companies to establish at least one agency in the State.

By Mr. REITER (H. R. 453) to define the term of Chief Engineer in cities and towns.

By Mr. WILDMAN (H. R. 454) to regulate the location of Justices of Peace and defining their jurisdiction.

By Mr. WILDMAN (H. R. 455) to provide for the election of Justices of the Peace and defining their powers in civil cases.

By Mr. O'NEWMAN (H. R. 456) concerning the collection of passenger fares on railroads. [Prohibiting railroads from charging cash fares in excess of the price of tickets.]

By Mr. JAMESON (H. R. 457) to regulate the business of banking, and prescribing penalties for the violation thereof. It provides that all banks shall file with the County Clerk a sworn statement of the amount of capital stock paid in and names of stockholders; that they shall publish quarterly statements of their condition, and that they shall not make dividends unless individual profits exceed all losses that have been sustained, that they shall not loan more than one-tenth of their capital to any person or corporation, and that they shall not use their capital for anything except the banking business. It provides further for the appointment by the Governor or one or more bank examiners, to hold office for four years, and confers full authority upon them to examine the banks as often as is thought necessary; and if any violation of the law is found, they shall report that fact to the Governor, and he to the Judge of the Circuit Court, who, if he finds the charges to be true, shall appoint a Receiver to wind up the affairs of the bank. The examiners are to receive \$8 a day for their services.

By Mr. JAMESON (H. R. 458) to regulate the business and organization of life insurance companies.

By Mr. PENDLETON (H. R. 459) to authorize cities to license and levy special tax on all vehicles used in cities.

By Mr. PENDLETON (H. R. 460) to create the office of Prosecuting Attorney in all Criminal Courts of the State.

By Mr. FARRELL (H. R. 461) to provide for the organization of savings banks.

By Mr. SCHLEY (H. R. 462) concerning actions on judgments.

By Mr. SCHLEY (H. R. 463) for a Metropolitan Fire Department in cities of 20,000.

By Mr. SCHMIDT (H. R. 464) to authorize cities to condemn and fill up mill races.

By Mr. PASSAGE (H. R. 465) to establish

County Courts and defining their duties and powers.

By Mr. ADAMS (H. R. 466) to amend an act providing for the election, and fixing the compensation of the Attorney General of the State.

By Mr. DITTEMORE (H. R. 467) to repeal all general laws in force for the incorporation of cities, and prescribing their powers, and prescribing their powers.

By Mr. McCLELLAND (H. R. 468) to fix the time of holding the court in the several counties in the Twenty-First Judicial Circuit.

By Mr. LOYD (H. R. 469) to authorize Boards of County Commissioners to allow \$35 to defray the expenses of burial of honorably discharged soldiers.

By Mr. BEST (H. R. 470) to legalize the incorporation of certain towns in Indiana.

By Mr. BEST (H. 471) to legalize the appointment of public guardians, etc.

By Mr. HARRELL (H. R. 472) to authorize County Commissioners to construct gravel and macadamized roads free.

By Mr. SEARS (H. R. 473) to appropriate \$1,500 in payment of a claim held by the State Geologist against the State of Indiana.

By Mr. TIMMONS (H. R. 474) to authorize the recording of the copy of wills, etc.

By Mr. TAYLOR (H. R. 475) to amend an act providing for the settlement of decedents' estates.

By Mr. TAYLOR (H. R. 476) to compel Railroad Companies to make convenient crossings on and over their railroads in certain cases.

By Mr. TAYLOR (H. R. 477) to require certain State property to be insured against loss by fire.

By Mr. BROWNLEE (H. R. 478) to authorize and empower Commissioners to pay interest on bonds.

Then came an adjournment till Monday at 2 o'clock p. m.

(Omitted from the bottom of page 117.)

Mr. WILLIAMS' bill [H. R. 146] to fix the rate of interest at 6 per cent. being under consideration.

Mr. MOODY said: I am opposed to this bill, and earnestly appeal to gentlemen on this floor not to disturb the present law on the question of interest. I do not believe, as some gentlemen insist, that legislation on this question will be in the interest of the debtor class. I do not loan money, but unfortunately have always borrowed. Do gentlemen believe that if we enact a law reducing the legal rate of interest to 6 per cent, I or any other man can more easily procure money wherewith to remove the mortgage from our little homes? No, gentlemen, a greater delusion was never entertained by man, than to suppose you can materially assist the poor man by enactments reducing the legal rate of interest. If such results would follow in the pathway of such legislation, then why not make the law 5 per cent? Mr. Speaker, I believe that legislation on this question is kindred to that of legislating on prohibiting the use of intoxicating liquors. Such a law would be a failure, but the former people are educated up to a standard where they will enforce the law, and when they are so educated the law is not needed; and so in legislating on the question of interest the law reducing the rate of interest in the absence of money will amount to nothing, and when money again becomes plenty then you don't need the law. The law of supply and demand will always regulate the question of interest, and while I stand ready to vote for any and all measures in the interest of the debtor class, I am opposed to meddling with the interest law of this State, for I regard it as the very best it is.

Mr. FRENCH: I understood the gentleman from Hancock (Mr. Gooding) to say that members representing the people would vote for 6 per cent. Then I supposed if a member thought best to vote against this bill he don't represent the people. Now sir, I believe I am as well intended to represent the people as the gentleman, but I don't harp a great deal about it. The price of money is regulated by the supply and demand. The flow of money is not regulated by law. No man will deny that money, like water, will seek its level. It always seeks the best market. Do you suppose that voting for or against this bill will be any inducement for citizens to bring money here and put it upon the market? I shall vote against the bill.

Mr. GORDON: I don't know whether you can get money at 3, 5 or 8 per cent, nor I don't care. I have nothing to do with this question. It has no particular bearing on this question. I think this ought to be entitled, "A law to confiscate property." Here is a man that has a mortgage on his farm, and insurance companies don't make loans so long a time that they never fall due. Here is a man that has a mortgage of several thousand dollars bearing 6 per cent. interest, and when it becomes due they would not renew it at 6 per cent; it must be raised to 8. I don't believe in trying to humbug the people and at the same time do the interest in the city of Indianapolis had to be paid under such a bill.

What would be the condition of business? What would be the result if the debts in the city of Indianapolis would have to be paid to the foreign insurance companies and foreign loan companies under this bill? I think there is no demand for this law by the people. I will vote against the bill. I should vote against it if it was at 7 per cent.

Mr. HANLON made an ineffectual demand for the previous question.

Mr. WILSON: I should think myself recent to my constituents if I did not say just a few words on this subject. On behalf of the farmers of my own county I would say there are many of them who have their farms abridged with mortgages. These mortgages are falling due every day. On these is interest at six, seven and eight per cent. They have no money to pay these mortgages when they become due, and if they can not renew them the mortgages must be foreclosed. I hope the bill will not become a law.

Pending this discussion the House adjourned.

Real Estate Transfers.

The following deeds were recorded Saturday, February 14, reported by Steeg & Barnhart, abstract compilers, 12 and 15 Thorpe Block, Indianapolis, Ind. Telephone 1,048:

Frank McWhinney and wife to Frank Behymer et al., administrators of the estate of John C. Behymer, of outlot 31, in the city of Indianapolis, 20 00

John C. Behymer and wife to John C. Behymer, of outlot 31, in the city of Indianapolis, 20 00

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hamer, compilers of abstracts to real estate in Marion County, Office, 12 and 15 Thorpe Block, Indianapolis, Ind. Telephone 1,048.

Date. Monday, February 9, 11 \$ 7,752 00 Tuesday, February 10, 11 28,078 00 Wednesday, February 11, 8 7,080 00 Thursday, February 12, 5 8,160 00 Friday, February 13, 5 11,937 00 Saturday, February 14, 6 10,300 00

Total. 47 \$85,552 50

A SLUGGING SINGER.

War Between Two Members of a Church Choir.

NEW YORK, Feb. 14.—The struggle in East Twenty-ninth street on Thursday night in which three pistol shots were fired was between two members of the volunteer choir of St. Stephen's Roman Catholic Church. The man who was wounded is Edward O'Flaherty. The man who shot him is Eugene A. Johnson. O'Flaherty was shot in the left leg just above the knee. Mr. Johnson to-day said he wanted to tell his story of the shooting: "O'Flaherty and I," said he, "sing basso in the choir. The trouble between us began in the spring of 1883. The choir went to the house of the contractor, Miss Munier, in Thirty-fourth street, to rehearse the Easter music. While we were singing, O'Flaherty put his hands to his ears and looked at me, as if to say that I was singing out of tune. I told him that he ought not to treat me that way before others. After that we did not speak until we met at a bell, six months later. "The following Sunday we met at another rehearsal. On Sunday, February 1, while we were singing high mass, I spoke to a new member of the choir whom I had introduced. O'Flaherty told us to keep still as he wished to pray. I said he did not find fault, as he frequently talked himself. He replied that he would like to see me enter a contest with him. I said I did not propose to go out with him at once, but he would not go. I knew he meant violence. So I carried a pistol in my pocket. On Thursday evening last the choir met to rehearse a new anthem. At 9:15 o'clock, when the rehearsal was over, O'Flaherty came out and waited for me. I expected trouble. As I reached the sidewalk he came up to me. I said: 'I suppose you would like a talk, let's walk to the corner.' 'Yes,' he replied. 'I've got something to give you a thumping. You've insulted me four or five times, and you must come out in the street and fight.' Then he struck me with his fist on the left temple and I struck back. He threw his arms around my neck and we clinched. He as a matter of fact, I was hurt. I did not propose to be whipped. I drew my pistol. He grabbed it, but I wrenched it away. He recoiled about twelve steps while I was cocking the pistol. I aimed at his head and fired. He advanced a step toward me and I fired two more shots. Then he clapped his hands on his face and seeing he was hurt I fired no more. Two of the young ladies of the choir came from the church and I escorted them home. "O'Flaherty's wound was dressed, and he will be out in a few days. He declined to prosecute Johnson, and did not wish to have him arrested. He was a member of the choir, except that he struck Johnson first."

"Turning State's Evidence.

LEWISBURG, O., Feb. 14.—A few days ago four young men, named Vollmer, Yost, Strieb and Bair, were arrested at Bucyrus, O., for burglary. Vollmer turned State's evidence. This angered Bair, who said he would get even with Vollmer. He declared that Vollmer and three men, named Joe and Emanuel and Paul Strieb, had murdered an old man named Peter Scheller who disappeared from Bucyrus, Aug. 13, 1883. It is charged that Scheller's body was dragged into his barn after the murder and the building set on fire. Vollmer was arrested at Bucyrus, and he will be out in a few days. He declined to prosecute Johnson, and did not wish to have him arrested. He was a member of the choir, except that he struck Johnson first."

"Maryland, My Maryland."

"Pretty Wives.

"My farm lies in a rather low and miserable situation, and

"My wife!"

"Who?"

"Was a very pretty blonde!"

"Twenty years ago, became

"Sallow!"

"Hollow-eyed!"

"Withered and aged!"

"Before her time, from

"Malarial vapors, though she made no particular complaint, not being of the grumpy kind, yet causing me great uneasiness."

"A short time ago I purchased your remedy for one of the children, who had a very severe attack of biliousness, and it occurred to me that the remedy might help my wife, as I found that our little girl, upon recovery had

"Lost!"

"Her sallowness, and looked as fresh as a new-blown daisy. Well, the story is soon told. My wife, to-day, has gained her old-time beauty with compound interest, and is now as handsome a matron (if I do say it myself) as can be found in this country, which is noted for pretty women. And I have only Hop Bitters to thank for it."